

Attorney's Docket No. MTC 2001.1 (37-21(53620)B)

**DECLARATION AND POWER OF ATTORNEY**

**REGULAR OR DESIGN APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**APPARATUS, METHODS AND PROCESSES FOR SORTING PARTICLES AND FOR PROVIDING SEX-SORTED ANIMAL SPERM**

the specification of which:

(check one)

- is attached hereto
- was filed on March 29, 2004 as Application Serial No. 10/812,351.
- was described and claimed in PCT International Application No.       , filed on        and as amended under PCT Article 19 on       , if any.

**ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations '1.56.

**PRIORITY CLAIM**

I hereby claim foreign priority benefits under Title 35, United States Code, '119 (a) - (d) or '365(b) of any foreign application for patent or inventor's certificate, or '365(a) of any PCT application which designates at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**Priority Claimed**

<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>

**Priority Not Claimed**

**ANY FOREIGN APPLICATION(S), ON THE SAME SUBJECT MATTER WHICH HAS A FILING DATE EARLIER THAN THE EARLIEST APPLICATION FROM WHICH PRIORITY IS CLAIMED**

<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>
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**CLAIM FOR BENEFIT OF PROVISIONAL APPLICATION(S)**

I hereby claim the benefit under Title 35, United States Code, '119(e) of any United States provisional application(s) listed below.

<u>60/458,607</u> (Application Number)	<u>03/28/2003</u> (Filing Date)
<u>60,458,731</u> (Application Number)	<u>03/28/2003</u> (Filing Date)

CLAIM FOR BENEFIT OF EARLIER U.S. APPLICATION(S)  
UNDER 35 U.S.C. 120

(complete this part only if this is a divisional,  
continuation or CIP application)

I hereby claim the benefit under Title 35, United States Code, '120 of any United States application(s), or '365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code '112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, '1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

(Serial No.)	(Filing Date)	(Status)

Send Correspondence To:	Direct Telephone Calls To:
Customer Number: 000321	Michael E. Godar (314) 231-5400

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

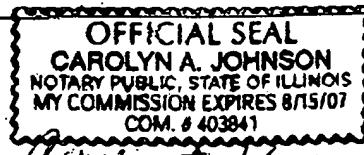
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Full name of sole or first inventor Gary Durack

Inventor's signature Gary Durack Date 1-6-05

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Full name of second joint inventor Jeffrey D. Wallace

Second inventor's signature Jeffrey D. Wallace Date 12/7/04

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Full name of fourth joint inventor Lon A. Westfall

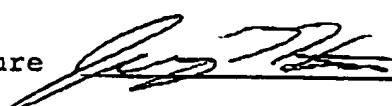
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Full name of fifth joint inventor Jeremy T. Hatcher

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Sixth inventor's signature Niraj V. Nayak Date 12/9/04

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